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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,252	06/27/2003	Kenyon A. Hapke	920196.00003	7764
26710	7590	07/28/2006	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/609,252		HAPKE ET AL.	
	Examiner		Art Unit	
	Joseph L. Perrin, PhD		1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030930</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group III, claims 11-21 in the reply filed on 30 May 2006 is acknowledged.
2. Claims 1-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 30 May 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 20-21 recite the limitation "The lid sensing lock" in line 1 of each. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1746

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11-15 & 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,520,424 to HAPKE *et al.* (hereinafter "HAPKE"). As shown in Figures 5-11 and relative associated text, HAPKE discloses a washing machine lid lock comprising a hook with a tooth (37) for engaging a lid aperture (14) with the hook being pivotable in a first, locked position and a second, open position, a bidirectional solenoid actuating mechanism (45/46/49/52) which moves the hook between the first and second positions, a spring mechanism (70; Figures 12-13) communicating with the hook for biasing the hook towards the first position when the hook is proximate the first position and biasing the hook towards the second position when the hook is proximate the second position, a contact set with first and second terminals (55/56) which provide a closed circuit when the hook is in the first position and an open circuit when the hook is in the second position, and moving the aperture along a tangent line with the lid and the hook lies along the tangent line as extended in a direction opposite the direction of movement of the aperture.

8. Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,718,705 to CASE. CASE discloses a washing machine lid lock (10) comprising a hook with a tooth (69) for engaging a lid aperture (18) with the hook being pivotable in a first, locked position and a second, open position, a bidirectional actuating mechanism (44) which moves the hook between the first and second positions, a contact set with first and second terminals (35/39) which indicates when the hook is in the first position as distinguished from when the hook is in the second position, and

Art Unit: 1746

moving the aperture along a tangent line with the lid and the hook lies along the tangent line as extended in a direction opposite the direction of movement of the aperture (see entire document, for instance, Figures 1-4 and relative associated text). CASE also teaches that it is known to use solenoids as the bidirectional actuating mechanism (see col. 1, lines 42-55).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over HAPKE or CASE. Recitation of HAPKE is repeated here from above. Although HAPKE & CASE disclose a pivotable hook which engages a lid aperture, HAPKE & CASE do not expressly disclose the hook and aperture sized such that the flanking shoulders of the hook rest against the sides of the aperture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the size and shape of the hook and aperture, since such a modification would have involved a mere change in the size or shape of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over HAPKE in view of U.S. Patent No. 4,717,794 to PAUL *et al.* (hereinafter "PAUL"). Recitation of HAPKE is repeated here from above. Although HAPKE discloses conventional contact switching, HAPKE does not expressly disclose using sliding/lateral movement with camming action to provide contact switching. PAUL teaches that it is known in the appliance door lock art to provide sliding/lateral movement with camming action to

provide opening and closing contact switching. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any equivalent known contact switching mechanism since applicant has not disclosed that sliding contact switching solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other contact switches and the selection of any of these known equivalents to provide contact switching in an appliance door lock would be within the level of ordinary skill in the art.

Conclusion

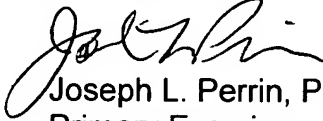
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,363,755 to HAPKE *et al.*, U.S. Patent No. 5,823,017 to HAPKE *et al.*, U.S. Patent No. 4,995,650 to SCHANTZ *et al.*, U.S. Patent No. 4,179,907 to SCHANTZ & U.S. Patent No. 4,074,545 to CASE, each disclosing appliance lid locks with rotatable hooks and actuating mechanisms.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, PhD whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, PhD
Primary Examiner
Art Unit 1746

jlp